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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,512	11/21/2003	Raymond Bontempi	BCS03183	3002
20028	7590	03/22/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HSIA, SHERRIE Y	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,512

Applicant(s)

BONTEMPI ET AL.

Examiner

Sherrie Hsia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III (5874985).

As to claims 1 and 8, Matthews discloses the claimed features, including the claimed means for receiving a television broadcast image is met by the viewer stations 16 (Figs.1 and 4B), the claimed means for receiving a user command to eliminate said fixed information band display portion is met by the process block 122 and the viewer control unit 71 (Fig. 5, column 6 line 63-column 7 line 7, column 5 lines 38-43), and the claimed means for re-scaling the main-program display portion is met by the controller 20 (Figs. 1, 2, column 4 lines 64-67).

As to claims 2 and 9 the claimed limitations are disclosed by Matthews (Fig. 4B, column 5 lines 38-43).

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As to claims 3 and 10, the claimed limitations are disclosed by Matthews (Column 5 lines 38-43).

As to claims 6 and 13, the claimed user input means for indicating a location is met by the viewer control unit 71 (column 4 lines 55-67, column 6 lines 27-30).

As to claims 7 and 14, the claimed user input means for indicating a size is met by the viewer control unit 71 (column 4 lines 55-67, column 6 lines 27-30).

As to claim 15, Matthews discloses the claimed features, including the claimed receiver for receiving a television broadcast image is met by the viewer stations 16 (Figs. 1 and 4B), the claimed user input device is met by the viewer control unit 71 (Figs. 3 and 5, column 6 line 63-column 7 line 7, column 5 lines 38-43), and the claimed video stretch device is met by the controller 20 (Figs. 1, 2, column 4 lines 64-67).

2. Claims 1, 2, 6-9 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson (6564379).

As to claims 1 and 8, Knudson discloses the claimed features, including the claimed means for receiving a television broadcast image is met by the user television equipment 44 (Figs. 1 and 10), the claimed means for receiving a user command to eliminate said fixed information band display portion is met by the remote control unit 54 (Figs. 10 and 11, column 8 line 46-column 9 line 12), and the claimed means for re-scaling the main-program display portion is met by the user television equipment 44 (Fig. 10, column 8 lines 46-61).

As to claims 2 and 9, the claimed limitations are disclosed by Knudson (Fig. 10).

As to claims 6 and 13, the claimed user input means for indicating a location is met by the remote control 54 (Figs 1, 10 and 11).

As to claims 7 and 14, the claimed user input means for indicating a size is met by the remote control 54 (Figs. 1, 10 and 11).

As to claim 15, Knudson discloses the claimed features, including the claimed receiver for receiving a television broadcast image is met by the user television equipment 44 (Figs.1 and 10), the claimed user input device is met by the remote control unit 54 (Fig. 1), and the claimed video stretch device is met by the user television equipment 44 (Figs. 10 and 11, column 8 line 46-column 9 line 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (5874985).

Matthews shows the claimed invention except the fixed information band display portion located at left or right edge of the television broadcast image. The examiner takes Official Notice that the fixed information band display portion located at the left, right, top or bottom edge of the screen is well known and widely used in the television art to display the information at a proper region of the screen, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews by positioning the information band display portion at the left or right edge of the screen so that the band display portion does not affect the atmosphere of the picture displayed on the screen.

4. Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson.

Knudson shows the claimed invention except the fixed information band display portion located at top, left or right edge of the television broadcast image. The examiner takes Official Notice that the fixed information band display portion located at the left, right, top or bottom edge of the screen is well known and widely used in the television art to display the information at a proper region of the screen, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by positioning the information band display portion at the top, left or right edge of the screen so that the band display portion does not affect the atmosphere of the picture displayed on the screen.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klosterman (6469753) discloses an information system has areas that used for advertisement and messages.

Ozaki (6833874) shows a ticker tape picture-in-picture system.

Yang (6459906) discloses a method and system for displaying received messages of portable television phone which the received character message is displayed on a bottom edge of the screen of the display unit.

Itoh (5903315) shows a double window display apparatus which the image is expanded in the vertical direction to omit the upper and lower non-image portions.

Bae (6130722) discloses closed- caption broadcasting and displaying method and apparatus which the caption can be displayed on the left, right, upper or lower region of the screen.

Furui (6822699) shows a cathode ray tube and method of displaying picture in which the icon display area can be located at above, below, left or right region of the screen.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (571) 272-7347.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Sherrie Hsia
Primary Examiner
Art Unit 2614

SH
March 20, 2005